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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/016,766	12/06/2001	Ricky Clemmons		3318

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EXAMINER

SMITH, MATTHEW J

ART UNIT	PAPER NUMBER
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3672

DATE MAILED: 01/22/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

# Office Action Summary

Application No.

10/016,766

Applicant(s)

CLEMMONS, RICKY

Examiner

Matthew J. Smith

Art Unit

3672

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

## Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

## Status

- 1) ☒ Responsive to communication(s) filed on 28 May 2003.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

## Disposition of Claims

- 4) ☒ Claim(s) 1-16 and 23-27 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☒ Claim(s) 23-27 is/are allowed.
- 6) ☒ Claim(s) 1-7, 9, 12 and 16 is/are rejected.
- 7) ☒ Claim(s) 8, 10, 11 and 13-15 is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

## Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

## Priority under 35 U.S.C. §§ 119 and 120

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).  
a) ☐ All b) ☐ Some \* c) ☐ None of:  
1. ☐ Certified copies of the priority documents have been received.  
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.  
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).  
\* See the attached detailed Office action for a list of the certified copies not received.
- 13) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application) since a specific reference was included in the first sentence of the specification or in an Application Data Sheet. 37 CFR 1.78.  
a) ☐ The translation of the foreign language provisional application has been received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121 since a specific reference was included in the first sentence of the specification or in an Application Data Sheet. 37 CFR 1.78.

## Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892) 4) ☐ Interview Summary (PTO-413) Paper No(s). \_\_\_\_\_
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948) 5) ☐ Notice of Informal Patent Application (PTO-152)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449) Paper No(s) \_\_\_\_\_ 6) ☐ Other: \_\_\_\_\_

The new Abstract is acceptable.

***Claim Rejections - 35 USC § 103***

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 1, 9, 12, and 16 are rejected under 35 U.S.C. 103(a) as being unpatentable over Baker et al. (4856600) in view of McCullough et al. (2810439).

Baker et al. disclose drilling rig 22 having a power source 42 attached to a rotatable reel 18, coiled flexible tubing drill pipe 16, drill bit 14, injector unit drive mechanism 20 adjacent the reel, and a conduit 26 positioned adjacent the drive. However, Baker et al do not disclose a container for reel 18. McCullough et al. show a container 9 for a reel 35 having a non-vertical axis of rotation used in a system to move a well tool T.

It would have been obvious to a person having ordinary skill in the art at the time the invention was made to encase the Baker et al. reel in a container, as shown by McCullough et al. to equalize well pressure (col. 2, lines 32-33).

Claims 2 and 3 are rejected under 35 U.S.C. 103(a) as being unpatentable over Baker et al. in view of McCullough et al. as applied to claim 1 above, and further in view of Driver (4149391). The combination discloses a drilling rig having a container for a flexible drill pipe reel. However, the combination does not disclose drill pipe made up of an inner conduit surrounded by a wire coil oriented non-orthogonally to the drill axis. Driver shows a conduit 7 surrounded by wire coils illustrated at an angle to a line perpendicular to the drill axis.

It would have been obvious to a person having ordinary skill in the art at the time the invention was made to use the Driver drill pipe in the combination in order that the drill pipe not collapse under torsion loads (col. 1, lines 42-43).

Claims 4-7 are rejected under 35 U.S.C. 103(a) as being unpatentable over Baker et al. in view of McCullough et al. and Driver as applied to claim 3 above, and further in view of Cherry (6220372). The combination discloses a drilling rig having a container for a reel holding a flexible drill pipe made up of an inner conduit surrounded by a wire coil oriented non-orthogonally to the drill axis and Driver further shows a coupling 2. However, the combination does not show a second wire coil. Cherry reveals coaxial wire coils 31, 32 illustrated at an angle to a line perpendicular to the drill axis.

It would have been obvious to a person having ordinary skill in the art at the time the invention was made to use the Cherry drill pipe in the combination in order that the direction of winding of the outer coil tightens as the inner coil expands (col. 2, lines 48-51).

***Allowable Subject Matter***

Claims 23-27 are allowed.

Claims 8, 10, 11, and 13-15 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

***Conclusion***

The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. Marz (4522125) and Head (5671811) display containers for a reel.

***Response to Arguments***

Applicant's arguments, see page 8, lines 15-20, filed 28 May 2003, with respect to the rejection of claim 1 under 35 USC 103 have been fully considered and are persuasive. Therefore, the rejection has been withdrawn. However, upon further consideration, a new ground(s) of rejection is made in view of McCullough et al. This reference shows a container for a reel. While applicant's container is not similar to the McCullough et al. housing, no novel or non-obvious advantage is provided to distinguish a container used for a high pressure well from a directional drilling system. Ergo, one of ordinary skill, looking in the well art and at McCullough et al. specifically, would have seen an encased reel. No hindsight is seen since this structure is shown to be known and applicant does not provide any motivation to encase reel 90 or the reel in Figure 8.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Matthew J. Smith whose telephone number is 703-305-5135. The examiner can normally be reached on M-F, 9-4.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, David J. Bagnell can be reached on 703-308-2151. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Art Unit: 3672

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is 308-1113.



David Bagnell  
Supervisory Patent Examiner  
Art Unit 3672

MJS *MJS*  
13 January 2004